

### **REMARKS/ARGUMENTS**

The Examiner is thanked for the careful review of this Application. Claims 1, 2, 5-12, 15-30 are pending after entry of the present Amendment. Claims 3, 4, 13, and 14 were cancelled. Amendments were made to the specification to correct typographical errors. Amendments were made to claims to clarify the invention. The amendments do not introduce new matter.

#### **Rejections under 35 U.S.C. § 102(b)**

The Office has rejected claims 1-3, 6, 9, 11-14, 16, 19, 21-23, 26, and 29 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,983,273 to White et al. (White). The Applicant respectfully traverses each rejection for at least the following reasons.

White discloses a method and apparatus for providing physical security for a user account and supplying access to the environment and preferences associated with the particular user. The Applicant, however, claims a method, system, and computer readable medium for identifying a smart card. The smart card of the claimed invention is not identified in the same manner as the smart card in White, as White fails to disclose a token type obtained by either extracting the token type from the smart card or by consulting a configuration file. The Applicant respectfully submits that the column 8, lines 2-11 of White, as cited by the Office, does not provide support for an element that can be equivalent to the token type of the claimed invention.

In the claimed invention, the token type identifies a particular type of smart cards. Referring to column 8, lines 2-11 of White, the Office has interpreted that White discloses obtaining a token type and using the token Id and token type to identify the smart card. The latter excerpt leads the Applicant to believe that the Office maybe be interpreting the smart card password of White to be the same as the token type of the claimed invention. The Applicant, however, traverses such interpretation, as the smart card password of White is associated with the smart card ID and can be used for both the user password and the smart card password. Thus, in contrast to the claimed invention wherein the token type provides the particular type of the smart card, the smart card password of White is not disclosed to have the capability to perform such a function.

Additionally, as amended, independent claims 1, 11, and 21 claim that the token type can be obtained by either consulting a configuration file or extracting the token type from the smart card (as defined in claim 1 and 11) or by consulting a probe order file or by extracting the token type from the smart card (as defined in claim 21). The Applicant respectfully

submits that White fails to disclose any of the latter features. In fact, the Office has acknowledged that White does not specifically disclose consulting a configuration file to obtain the token type. The Office has further acknowledged that White does not disclose consulting a probe order file to obtain a path for the configuration file.

Thus, amended independent claims 1, 11, and 21 are respectfully submitted to be patentable under 35 U.S.C. § 102(b) over white. In a like manner, dependent claims 2, 5-10, 11, 12, 15-20, and 21-30 each of which directly or indirectly depends from the respective independent claim 1, 11, and 21 are submitted to be patentable 35 U.S.C. § 102(b) over White for at least the reasons set forth above regarding the corresponding independent claim 1, 11, and 21. As such, the Applicant respectfully requests that the § 102(b) rejections be withdrawn.

**Rejections under 35 U.S.C. § 103(a)**

The Office has rejected claims 4-5, 7-8, 10, 15, 17-18, 20, 24-45, and 27-28 under 35 U.S.C. section 103(a), as being unpatentable over White.

Specifically, the Office has taken official notice that the configuration file is well known in the art. The Office has further taken official notice that MicroPayflex smart card is well known in the art. The Applicant submits that the Office has not taken official notice that the configuration file or the MicroPayflex smart card were well known in the art at the time the invention was made. The Applicant further traverses the Office's assertion of the official notices, as no evidence has been provided in the record supporting the interpretation that the configuration file and the MicroPayflex smart card are common knowledge. *See* M.P.E.P. 2144.03.

The Applicant further submits that even if the configuration file or the MicroPayflex smart card were common knowledge (a proposition with which the Applicant disagrees), the configuration file or the MicroPayflex referred to by the Office fail to function in the same way as the configuration file or MicroPayflex smart card of the claimed invention. For instance, the configuration file of the claimed invention can be consulted so that the token type of the smart card can be determined. The configuration file taught in White fails to provide such a function. In the same manner, the MicroPayflex smart card interpreted to be well known in the art do not consult the configuration file so as to obtain the token type.

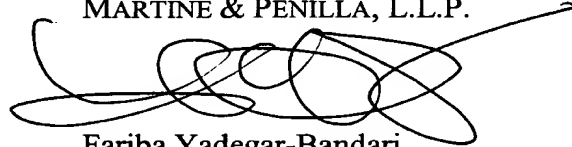
Yet further, to establish prima facie obviousness of the claimed invention, all the claim limitations must be taught or suggested by the prior art. However, White fails to disclose, teach, or suggest obtaining a token type by consulting a configuration file or extracting the token type from the smart card, or by consulting a probe order file. In fact, the

Office has confirmed that White fails to disclose consulting the configuration file to obtain the token type.

The Applicant further submits that to establish prima facie obviousness of the claimed invention, all the claim limitations must be taught or suggested by the prior art. However, White fails to disclose, teach, or suggest obtaining a token type by consulting a configuration file or extracting the token type from the smart card, or by consulting a probe order file. In fact, the Office has confirmed that White fails to disclose consulting the configuration file to obtain the token type. As such, the Applicant respectfully requests that section 103(a) rejection of the claims be withdrawn.

In view of the foregoing, the Applicant respectfully submits that all of the pending claims are in a condition for allowance. Accordingly, a Notice of Allowance is respectfully requested. If the Examiner has any questions concerning the present Amendment, the Examiner is kindly requested to contact the undersigned at (408) 774-6913. If any additional fees are due in connection with filing this Amendment, the Commissioner is also authorized to charge Deposit Account No. 50-0805 (Order No. SUNMP588). A duplicate copy of the transmittal is enclosed for this purpose.

Respectfully submitted,  
MARTINE & PENILLA, L.L.P.



Fariba Yadegar-Bandari  
Reg. No. 53,805

Martine & Penilla, LLP  
710 Lakeway Drive, Suite 170  
Sunnyvale, California 94085  
Telephone: (408) 774-6913  
Facsimile: (408) 749-6901  
**Customer Number 32291**